

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33343 of 2025

Arising Out of PS. Case No.-521 Year-2019 Thana- RAJAON District- Banka

Sonu Kumar S/O Vidhyanand Yadav Resident of Purushottampur, P.S-
Asarganj, Distt-Munger

... .. Petitioner

Versus

1. The State of Bihar
2. Deo Nandan Yadav S/O Late Chandar Yadav R/O Village-Sanjha, PS-
Rajoun, Distt-Banka

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Braj Kishore Pd.(APP)

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Rajoun P.S. Case No. 521 of 2019 registered for the offences punishable under Sections 366/366(A)/34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. The allegation against the petitioner is to kidnap the minor daughter of the informant aged about 15 years as to seduce/force her to enter into illicit relationship/marriage with another person.

4. Learned counsel appearing on behalf of the



petitioner submitted that victim daughter of the informant accompanied petitioner out of her sweet-will and solemnized her marriage. It is submitted that as love affairs of the victim with petitioner was not approved by her parents, the present false case was lodged.

5. It is submitted that after recovery of victim, her statement was recorded under Section 164 of the Cr.P.C., where she categorically denied the allegation of sexual assault and kidnapping, as raised against petitioner. Petitioner claimed to be a man of clean antecedent.

6. It is further submitted that as petitioner solemnized marriage with victim, no *prima-facie* case under section 366(A) of the I.P.C. appears made out. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Sat Parkash Vs. State of Haryana** reported in **(2015) 16 SCC 475**.

7. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

8. In view of the aforesaid factual and legal submissions and by taking note of the fact as victim after



recovery completely denied the allegation of sexual assault and kidnapping against petitioner while making her statement as recorded under section 164 of the Cr.P.C., accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Banka, in connection with Rajoun P.S. Case No. 521 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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